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Report of the Secretary-General on the Sudan pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of Security Council resolution 1564 (2004), and paragraph 17 of Security Council resolution 1574 (2004)

I. Introduction

1. The present report is submitted pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004) of 30 July 2004, paragraph 15 of Security Council resolution 1564 (2004) of 18 September 2004, and paragraph 17 of Security Council resolution 1574 (2004) of 19 November 2004.

II. Security

2. After the signing of the humanitarian and security protocols in Abuja on 9 November, Darfur was relatively calm for about one week. However, the situation deteriorated towards the end of November, with increased clashes between Government forces and the Sudan Liberation Movement/Army (SLM/A) resulting in many police and civilian deaths. The violence reached a high point on 22 November, when SLA attacked Tawilla town, Northern Darfur, and took control of all police posts within a few hours. The Sudanese army launched heavy retaliatory attacks, reportedly using bomber planes, and forcing SLA to withdraw from Tawilla. Fighting continued in the vicinity until 24 November, however, causing extensive casualties. Both sides proclaimed they were no longer bound by the terms of the ceasefire and a state of emergency was declared in Northern Darfur.

3. In addition, on 13 and 22 November, SLA attacked a police station near Kalma camp for internally displaced persons, Southern Darfur, killing several people. There are mixed reports as to whether or not the attacks were conducted from within the camp.

4. An emergency meeting of the Joint Implementation Mechanism, jointly chaired by my Special Representative and the Minister for Foreign Affairs of the Sudan, was held on 24 November to address the incidents in Tawilla and Kalma camp. At the meeting, the Government provided a list of 19 alleged ceasefire violations by SLA from 9 to 22 November, and raised concerns about the increased

number of police deaths related to the fighting around Tawilla. According to its figures, 29 police officers were killed in two days.

5. The African Union (AU) is verifying reports regarding the incidents, following which the partners in the Joint Implementation Mechanism will reach a conclusion on the allegations being made about the incidents. Pending the outcome of the AU investigation, some members of the Mechanism have reached a preliminary conclusion that the responsibility for the attacks on Tawilla and Kalma lies with SLA. The reported use of aerial bombing by the Government in Tawilla town in retaliation, which if true would be in breach of the Abuja security protocol, was also discussed.

6. For his part, my Special Representative advised the Government: (a) to exercise maximum restraint when responding to attacks; (b) to abide by its commitment under the security protocol of 9 November and refrain from conducting hostile military flights, especially involving aerial bombing (an article in the security protocol states that the parties agree to refrain from conducting hostile military flights in and over the Darfur region); (c) to avoid targeting civilians in any military action and ensure that the militias under its influence do likewise; and (d) to provide the African Union with the maximum freedom to carry out its work. While acknowledging how difficult it was for the Government not to react, particularly when SLA was trying to expand its area of control, he emphasized that it was crucial for the Government to respect its responsibilities and act within the limits prescribed by the signed protocols.

7. In response, the Foreign Minister assured the members of the Joint Implementation Mechanism that there had been no use of aerial bombing or targeting of civilians, and that the Government would be conducting its own investigation into the allegations, in parallel with the AU verification. He also stated that the Government would assure full cooperation with the African Union, but that it would protect the main roads in Darfur until AU was capable of taking on that task. Although the Minister agreed that this last point was likely to be contentious, he argued that, while the African Union had declined the Government's offer for protection, insecurity continued on the roads of Darfur. The decision of the Government to protect the roads reflected its view that self-defence included protection of not only soldiers, police and civilians, but also of public and private property.

8. On 25 and 26 November, a meeting of the Joint Ceasefire Commission was convened in N'Djamena to discuss the violence. The African Union stated that approximately 40 ceasefire violations had been committed by both sides since mid-August, culminating in the fighting in Tawilla. Both parties blamed each other for initiating the violence. In a positive step, however, while admitting that some of their representatives had made statements indicating an end to their commitment to the terms of the ceasefire agreements amidst escalating violence in Darfur, both the Government and SLA reconfirmed their commitment to the ceasefire agreement.

9. During the meeting, the African Union criticized the parties for their repeated failure to live up to their commitments; requested the Government to submit plans and time lines to neutralize the armed militia, including the Janjaweed; and demanded that SLA and the Justice and Equality Movement (JEM) submit information on the locations of their forces within the next few weeks. Failure to do so, it stated, would oblige it to refer the matter to the AU Peace and Security

Council and to the United Nations Security Council. The African Union also recommended the establishment of an agreed framework to deal with the parties violating the ceasefire agreement, as well as the accelerated deployment of AU troops to Darfur. I am grateful for the African Union's initiative as the Council has repeatedly expressed its grave concern at the lack of progress by the parties in fulfilling their commitments.

10. In addition to the fighting in Tawilla and Kalma, the following are some of the main security incidents that occurred in November, as corroborated by observers and humanitarian agencies in Darfur:

(a) Ceasefire violations have continued. In Northern Darfur, banditry and looting increased at the beginning of November, especially on the major roads. Some incidents of kidnapping remain unresolved. On 12 November, armed men looted a commercial truck south of Millit, while livestock was stolen by armed tribesmen. The livestock was later recovered through negotiations among tribal chiefs.

(b) On 7 November, the Government and its armed militias attacked the Kutum area, resulting in more than 20 deaths among the SLA forces. On 3 November, a government military convoy travelling from Nyala to Al Fasher was attacked by SLA, resulting in the deaths of eight soldiers. A police mobile patrol, allegedly escorting commercial trucks from Al Fasher to El Koma, was attacked by armed persons on 6 November, also resulting in casualties.

(c) Commercial trucks carrying 30 passengers and relief goods for international non-governmental organizations were stopped on 7 November. Three people are still missing, together with the trucks and cargo. On 8 November, five commercial trucks carrying goods from Al Fasher to Millit were stopped by armed men and looted. Two commercial trucks heading from Al Fasher to Umkadada on 13 November were looted by armed men, while some passengers, including a sheikh, were reportedly injured.

(d) In the south, on 11 November, in retaliation for an earlier attack by armed tribesmen in the Labado area, approximately 2,000 SLA elements reportedly attacked the Taishia area, resulting in the death of about 40 armed tribesmen and 27 SLA elements. On 12 November, SLA attacked a railway station in the Duraysah region. On 19 November, JEM elements attacked Graida and took over the administrative building, later pulling back as a result of AU mediation.

(e) In Hashaba, the African Union confirmed that Arab tribesmen destroyed a village on 10 November. Similarly, several villages were burned by Arab tribesmen in Western Darfur on 22 November.

(f) Disturbing incidents have continued in Western Darfur. On 2, 3 and 26 November, the National Movement for Reform and Development (NMRD) reportedly attacked four villages around the Kulbus area. It also clashed with armed militia in the Jebel Moon area, a NMRD stronghold. Cross-border operations by elements of the Chadian army, which may have serious regional implications, were reported on 19 and 21 November.

11. While the enumeration above provides an idea of how many daily security incidents occurred during the month of November, the volatile situation often makes

it difficult to get a clear, overall picture. However, as stated in previous reports, certain trends can be inferred:

(a) There is a danger that violence may continue to escalate. SLM/A has aggressively violated its commitment to the Abuja protocols, and if the Government fails to show restraint in the face of provocation by SLM/A, insecurity could worsen substantially.

(b) According to eyewitness reports, the use of aerial bombing by the Government continued in retaliation to the operations referred to above, which the Government denies.

(c) SLM/A has increased its attacks against the police, and more deaths were recorded this month. There may be several reasons for this. First, the police are a soft target, compared to the military, enabling SLM/A to capture firearms, ammunition and vehicles; further, SLM/A is attempting to prove its claim that elements of the Janjaweed have been incorporated into the police force; to illustrate its increasing strength by neutralizing the police and expanding its area of control; and to bring international attention back to Darfur, especially following the Security Council meetings in Nairobi on 18 and 19 November, which focused on the North-South process. In discussions between my Special Representative and the SLM/A leadership following the Tawilla violence, SLM/A consistently denied its involvement in the attack of 22 November. This could mean that the SLM/A leaders have lost control over some of their field commanders.

(d) The new rebel movement, NMRD, appears to control the area between Jebel Moon and Tine, and has continued strengthening its activities in Western Darfur. In response to this, the mobilization of armed militias and increased government forces was reported in the Jebel Moon area towards the end of November. NMRD appears to be relatively well-equipped, with strong cross-border linkages that have the potential to spread insecurity beyond Darfur. Since NMRD is not a party to any of the agreements signed on Darfur, security risks for those providing humanitarian assistance in Western Darfur have become heightened. The United Nations has initiated contacts with NMRD to seek its assurance that those providing humanitarian assistance in its area of control will not be harmed.

(e) There has been a continued breakdown in law and order, as banditry, looting of livestock and abductions continued. Humanitarian workers and convoys have also come under increasing risk. The resulting insecurity has driven up the prices of goods, which in turn may compound the demands on aid agencies as more people seek food relief.

(f) On 27 October, the taking hostage of 18 nomadic tribesmen by SLM/A in the Zalingei area appeared to be on the verge of triggering a major battle in the Jebel Marra region, with Musa Hilal, a known leader of the Janjaweed, gathering his forces. However, AU mediation efforts, which resulted in the release of some of the hostages, calmed tensions. The Walis of Western and Southern Darfur have also engaged both the nomadic tribes and SLM/A to defuse tensions. Nevertheless, if these incidents proceed unchecked, more attacks could ensue.

III. Disarmament of the Janjaweed and other armed militias and outlawed groups

12. No progress was made with the disarmament of the Janjaweed in November. In accordance with paragraph 9 of Security Council resolution 1564 (2004), any information on the arrest or disarmament of Janjaweed and other armed groups is to be provided by the Government to the AU Ceasefire Commission. However, the Commission confirmed that it had not yet been invited to verify any disarmament activities by the Government. Meanwhile, there are increasing allegations of some elements in Khartoum supplying arms to militia, although this remains to be confirmed.

13. As stated in paragraph 9 above, at the meeting of the Joint Ceasefire Commission on 25 November, the African Union asked the Government to provide it with the plan and the timetable for the disarmament of the Janjaweed and other militia. As reported in my two previous reports (S/2004/787 and S/2004/881), the Government had announced at a meeting of the Mechanism held on 17 September that details of a plan to establish a commission to collect weapons would be forthcoming. However, no such plan has been presented to the United Nations thus far.

14. The lack of progress in this area is of great concern. It clearly illustrates the Government's unwillingness to fulfil its obligation under Security Council resolutions and other prior agreements, most notably the joint communiqué of 3 July.

15. The Government must make further efforts to reduce the level of insecurity and ensure sustained livelihoods for demobilized fighters, to dissuade them from joining other militias or becoming bandits. To this end, a comprehensive disarmament, demobilization and reintegration programme must be implemented in consultation with all relevant parties. Should the Government fail to take the necessary first step of disarming the militias, who constitute the main threat towards civilians, insecurity will persist.

IV. Impunity and confidence-building

16. There has also been no indication of the Government apprehending and bringing to justice Janjaweed leaders, which has been a central demand of the Security Council since its adoption of resolution 1556 (2004). The Government must understand that impunity is still a major contributing factor to a sense of insecurity among internally displaced people and host communities.

17. Internally displaced persons continue to mistrust the police, usually on grounds of continued impunity, and the police's refusal to record their complaints. In an effort to redress this, as of mid-November, a joint UNDP and ICRC training programme on human rights and Sudanese laws was held, resulting in the training of 898 police, security and judiciary officials, as well as traditional authorities and civil society in Northern and Southern Darfur. While the overall situation in Darfur has continued to deteriorate, United Nations staff on the ground report a slight improvement in the attitudes and behaviour of individual police officers. However, it is too early to measure the impact. The process of altering attitudes and reforming

counter-productive structures currently in place requires a long-term and incremental strategy.

18. Following its establishment on 7 October, the International Commission of Inquiry visited the Sudan from 7 to 21 November. Its members met senior government representatives, including the Vice-President, Osman Taha, and the Ministers of Justice, Defence, the Interior and Foreign Affairs; international aid agencies; and civil society groups. Thereafter, the Commission visited the three regions of Darfur from 11 to 17 November. A team of judicial investigators, analysts and forensic experts have remained in the Sudan to carry out further investigations.

19. After the Commission's visit to Khartoum, at a meeting of the Joint Implementation Mechanism held on 12 November, the Minister of Justice provided the following assurances regarding the work of the Commission: (a) the Government would accept the report of the Commission, whatever its findings; (b) witnesses of incidents would not be subjected to maltreatment; and (c) following strict instructions from the President, Omer Hassan Al-Bashir, no Sudanese officials would obstruct the Commission's investigations.

V. The humanitarian situation in Darfur

20. The humanitarian situation in Darfur remains serious, with little on the horizon to indicate a reduction in the relief needs of the civilian population. As at 1 November, the number of conflict-affected persons, including internally displaced persons, host communities and others in need of relief, had risen by a further 250,000 to close to 2.3 million, more than one third of the estimated pre-conflict population in Darfur of 6 million. This increase is mostly due to a rise in the vulnerability of the resident host population, which is now estimated to be more than 600,000 for the whole of Darfur. Of the net increase in the number of conflict-affected residents, 150,000 are in Northern Darfur, while 50,000 are in Western Darfur. If the security situation does not improve, this upward trend could continue until the end of the year and beyond. Many among the resident population of Darfur are becoming increasingly vulnerable, owing to the economic impact of the continuing crisis.

21. The humanitarian community has made further progress in addressing the life-saving needs of the conflict-affected population. Despite the security situation, humanitarian agencies were able to increase the overall level of humanitarian assistance delivered. However, food delivery was greatly affected by the increase in insecurity and attacks on convoys, especially in Northern Darfur. Food was delivered to only about 60 per cent of the conflict-affected population in October, about 10 per cent less than during the previous month. The coverage for shelter and related non-food items rose from 52 per cent to 61 per cent because of improved funding. In the area of water and sanitation, further progress has been made but large gaps remain. In the health sector, Northern Darfur continues to be the most underserved in terms of drug supplies and access to primary health-care facilities.

22. According to a report by the Food and Agriculture Organization of the United Nations, Darfur is facing a fourth consecutive meagre harvest, and conditions are similar to those preceding the 1984 famine. The collapse of the grain market shows that a large number of farmers have not been able to plant, nor do they have any seed in stock. Equally worrying is that food prices are 60 per cent above normal

levels, which could result in a further increase in humanitarian needs as more and more households lack sufficient purchasing power to sustain themselves. As the next main planting season is not until June 2005, with the harvest in the autumn, a large-scale humanitarian response, including massive food aid, will be required in Darfur until at least the end of 2005.

23. Ensuring adequate levels of nutrition remains a major challenge, and many rural communities are facing a serious food crisis. An assessment of food security and nutrition in the three Darfur States, led by the World Food Programme, indicates that 22 per cent of children under the age of 5 in Darfur are malnourished, while close to half of all families do not have enough food. Overall malnutrition rates may deteriorate further because of the expected poor harvest and dramatic rise in food prices. At the same time, progress has been made in providing targeted nutrition support. From April to November, a total of about 60,000 children have been served in either supplementary or therapeutic feeding centres. Admissions in most centres have stabilized and in some they have decreased. Surveys conducted more recently in Western and Southern Darfur indicated significant improvements in the nutrition situation and a decrease in severe acute malnutrition rates has allowed some non-governmental organizations to close a number of therapeutic feeding centres.

VI. Funding

24. Funding levels for the humanitarian response to the crisis in Darfur have improved. With more than 75 per cent of the requirements for Darfur and Chad having been met for 2004, the United Nations and its partners have identified total requirements of approximately $1.5 billion for the whole of the Sudan in the 2005 work plan for the Sudan, of which $620 million will be for Darfur. The work plan also includes programmes that focus on southern Sudan, the transitional areas, and eastern Sudan.

25. The work plan was developed in consultation with the Government and the Sudan People's Liberation Movement/Army (SPLM/A) and was launched on 30 November. It presents an integrated relief, recovery and development action plan with activities that the United Nations and its partners intend to implement over the course of 2005, and that focus on reinforcing progress towards peace, supporting the peace agreement once it has been signed, and responding to the needs of some 4 million people in the Sudan. To maintain an adequate level of response to the continuing emergency in Darfur and to gear up relief activities in other priority areas of the country, I urge donors to "front load" their contributions to the humanitarian effort as much as possible. Any delay in the flow of funding early in 2005 will have severe repercussions for the relief effort and the millions of Sudanese the United Nations and its partners are planning to assist.

VII. Humanitarian access

26. In October, humanitarian access in Darfur was negatively affected by increased insecurity and the rains. In November, the rainy season receded, but insecurity remained. The percentage of vulnerable persons accessible in Darfur as a whole fell from about 90 per cent to 80 per cent. In Northern Darfur, where tens of thousands were cut off from relief, the percentage fell to 67 per cent.

27. Both SLM/A and, to a lesser extent, the Government bear responsibility for the decrease of access in recent weeks. Their actions have halted the provision of humanitarian aid, as in the case of Tawilla, where the attack of SLA and the response of the Government forced the suspension of humanitarian activities for about a week, resulting in aid being cut off for 30,000 internally displaced persons. The Government, by not allowing humanitarian workers access to Al Geer camp, when internally displaced persons were forcibly relocated on 2 and 20 November, acted contrary to previous agreements and international humanitarian law. Relief workers were threatened by police with detention when they attempted to access the camp and assist the internally displaced persons.

28. The Government has generally maintained its moratorium on restrictions on the import of humanitarian goods and equipment. Almost 70 non-governmental organizations have been registered to work in Darfur. This is reflected in the number of humanitarian staff for the Darfur operation, which increased from 6,100 on 1 October to more than 6,500 on 1 November, including nearly 800 international aid workers. During the last two weeks, however, the process of issuing the visas has slowed down for the non-governmental organizations compared to previous months. In addition, some government authorities seem to have hardened their position with regard to allowing international non-governmental organizations to continue their work unconditionally. The ability of non-governmental organizations to speak out about aspects of the crisis that affect their activities, as well as threats to the civilian populations from either side, should be preserved and fully respected.

29. Towards the end of the month, humanitarian access to the population in rebel-controlled areas became more difficult, owing to restrictions imposed by the rebel movements. This was particularly the case in the period around the attacks on Tawilla.

VIII. Return and relocation

30. In my previous reports, I noted that, because of continuing uncertainty regarding security conditions in areas of return, the overwhelming majority of internally displaced persons do not plan to go back to their villages in the near future. The events of the last 30 days in Darfur have added to their lack of confidence. Moreover, despite the commitment by the Government to use the Management and Coordination Mechanism which was created by means of the memorandum of understanding between the Government and the International Organization for Migration (IOM) on 21 August to determine the feasibility of return and relocation, some authorities have acted unilaterally, forcing internally displaced persons to move.

31. In Northern Darfur, the Commissioner of the Humanitarian Affairs Commission confirmed on 2 November that 121 internally displaced families from Abu Shouk camp had returned to their homes in Korma, and that transport, food and non-food items had been provided by the Wali and local non-governmental organizations. This was done in contravention of the agreement on the Management and Coordination Mechanism, as neither the United Nations nor IOM had been consulted. There are contradictory reports on whether that return was voluntary or not. In addition, 113 teachers were moved out from the camp to other localities, later being replaced by about 30 teachers.

32. On 10 November, United Nations aid workers were witness to the violent disbanding of Al Geer camp in Nyala and the removal of internally displaced persons to other locations. Many of the displaced fled into the peripheral areas, fearing that they would be forced to move to locations where they might feel less secure. A non-governmental organization claimed that its medical facility was cleared out by tear gas, its doctors had been forced out at gunpoint, and the patients were beaten up. That organization reported that there were 185 injured persons as a result of the camp raid.

33. That very day, the joint Chairman of the Joint Implementation Mechanism visited Nyala, including Al Geer camp, in order to assess the situation of relocation and return. My Special Representative confirmed reports of undue use of force by local security forces in relocating internally displaced persons. IOM also determined that their removal was inappropriate and forced. Both the Wali and the Commissioner of the Humanitarian Affairs Commission argued that the camps had to be relocated because they were set up on private property, and posed a security risk to a nearby military facility, as the latter provided services to a large number of citizens from Nyala who were not internally displaced persons.

34. The Wali in Southern Darfur has been raising the possibility of moving internally displaced persons from Kalma camp, one of the largest camps in Southern Darfur, with an estimated 80,000 internally displaced persons. In his view, the local authorities could not ensure the safety of such a large group of internally displaced persons. My Special Representative, in his discussions with the Wali as well as in the framework of the Joint Implementation Mechanism, noted that the United Nations was not against relocation as such, but stressed that any relocation had to be conducted in accordance with agreed procedures and relevant international standards and humanitarian law.

35. On 11 November, the Minister for Foreign Affairs and my Special Representative visited three Government-identified return sites south of Nyala, namely, Sania Dalaiba, Abu Ajoura and Shataya. These sites had been visited previously by a delegation of the Joint Implementation Mechanism and by the United Nations Resident and Humanitarian Coordinator. The returnees, who in the case of Abu Ajoura did not include all tribes originally living in the village, and in the case of Shataya consisted of only a small group, were consistent in their accounts that they felt secure because of the presence and behaviour of the police. They praised the efforts undertaken by the Wali in providing them with ideas for reconciliation among the tribes of the area. The authorities had also supported them in the rehabilitation of the sites. No international non-governmental organization or United Nations staff were present at any of those locations. The situation there will be reviewed by the United Nations to assess to what extent the conditions have been met for relocation and determine the possibilities of providing external assistance in facilitating reconciliation and return currently under way.

36. The Nyala visit by the joint Chairman of the Joint Implementation Mechanism resulted in the following conclusions, which were later presented to the members of the Mechanism at its meeting on 12 November:

(a) The Government has the right to determine relocation sites, based on transparent criteria;

(b) The United Nations is not against relocations per se and will assist the Government in conducting relocation efforts that are fully consistent with international humanitarian law and accepted standards;

(c) The return and relocation of internally displaced persons are both subject to approval by the Management and Coordination Mechanism;

(d) Violence and excessive use of force against internally displaced persons and humanitarian workers in the course of a relocation effort is unacceptable;

(e) A strongly improved consultative mechanism on relocations and related questions will be established among all stakeholders on the ground, including local government authorities, the African Union, the United Nations, non-governmental organizations and representatives of internally displaced persons;

(f) The AU monitors and the protection force are necessary for guarding relief convoys by establishing permanent and mobile stations along relief corridors;

(g) Guidelines for the provision of assistance for cases of voluntary return will be developed, in close consultation with internally displaced persons, the Government, the United Nations, non-governmental organizations, and the African Union. Increased AU patrolling in return areas, more frequent visits by humanitarian agencies and active support by the United Nations for reconciliation and rehabilitation efforts will be encouraged.

IX. Human rights and protection

37. I am concerned about reports of an increase in the recruitment and control of internally displaced persons by SLM/A and JEM. In Abu Shouk, Zam Zam and Kalma, human rights observers have received reports that indicate that the rebel movements are creating certain structures within the camps of displaced persons, enabling them to control communication between the displaced and the humanitarian community. This would jeopardize the safety of internally displaced persons and humanitarian workers and the work of human rights observers in the camps. I urge all parties to respect their obligations under the Abuja protocols to maintain the civilian nature of the camps.

38. Sexual violence and rape continue to be reported throughout Darfur. For instance, in Kabkabiyah, Northern Darfur, on 19 November, a large number of displaced women were attacked by armed tribesmen. In general, the police continue to be very reluctant to investigate cases reported by female internally displaced persons, or even refuse to acknowledge those reported to them by human rights observers.

39. The number of arrests, including arbitrary arrests, in Southern Darfur has escalated. After the Kalma camp incident of 22 November, more than 20 internally displaced persons were arrested. They are currently held by the police for interrogation. In Northern Darfur, the number of arbitrary arrests among internally displaced persons seems to have decreased in the last month, but the arrest of civilians belonging to the host communities continues. There are also reports of torture and police brutality towards internally displaced persons during relocations.

40. The police and the local authorities continue to harass and threaten internally displaced persons who have been in contact with the human rights observers and

visiting delegations. In the Abuja protocols, the Government committed itself to preventing such acts of intimidation against civilians by any party or group. The United Nations and its international partners have stated at the meetings of the Joint Implementation Mechanism that the Government has an obligation to guarantee the safety of the internally displaced persons.

41. Children continue to be among the most vulnerable victims of the escalating violence and forced relocations, which continue in Darfur. On 2 November, a number of children were loaded on to trucks and transported to a new camp in Southern Darfur without their parents. At least five children were separated from their families. The abduction of 13 children and women who were fetching firewood outside Kalma camp in Southern Darfur was also reported on the same day. During a shooting incident in Kalma camp on 15 November, two children were reportedly killed, while another two children were detained in prison in Southern Darfur following the Kalma camp incident of 22 November.

42. Following the adoption by the United Nations of a comprehensive protection strategy for the Sudan, which I mentioned in my previous report, the recruitment of new human rights and protection officers has begun. My Special Representative has submitted a request for the deployment of 50 additional human rights observers and protection officers, to facilitate the implementation of the protection strategy.

43. Since my last report, there has been no significant progress towards the free, unhindered and timely access by human rights observers to detention centres. Furthermore, restrictions of movement in some camps have been imposed on human rights observers.

X. The Darfur peace process

44. In my last report, I referred to the then ongoing negotiations in Abuja, between the Government, SLM/A and JEM. Those negotiations were in serious difficulty, as the movements refused to sign the agreed protocols on improving the security and humanitarian situation, or to proceed with political talks, until all other issues were agreed upon. It is encouraging to note that the parties, under the leadership of the AU mediation team, have finally signed the agreed protocols and started talks on political issues, with the view to reaching agreement on a declaration of principles that would lay the foundation for a political accord. Although the parties were not able to finalize the declaration of principles by the time negotiations were suspended on 11 November, they have made substantive progress towards that end. The parties have also agreed to reconvene soon in Abuja to continue their talks. The African Union announced that the next round of Abuja talks would start on 10 December.

45. Despite recent setbacks, the signing of humanitarian and security protocols is good news for the international community. It is a concrete output of the Abuja process that provides the parties with a building block for future negotiations. It is also a sign that the parties are willing to settle the conflict in Darfur through political means, and that they are capable of working together, despite the atrocities committed in the past and deep mutual mistrust. In addition, the protocol on improving the humanitarian situation includes a number of new commitments, which would greatly facilitate the delivery of assistance to the needy throughout Darfur and protect the rights of the internally displaced persons in their areas of

origin. The protocol establishes a Joint Facilitation Unit, led by the African Union in close cooperation with the United Nations and with the participation of the international community. The Unit would work on the ground in order to ensure full implementation of the protocol, address emerging needs and obstacles, and explore ways to rebuild trust and confidence throughout the troubled region of Darfur. Such a coordinating mechanism could provide invaluable assistance to the parties and to the people of Darfur.

46. However, the signing of the security protocol was overshadowed by the sudden deterioration of the security situation in Darfur that began on 21 November, and the multiple violations that ensued. The Abuja protocol, and the N'Djamena Agreement before it, established clear benchmarks against which the international community could measure compliance by the parties. The commitment of the parties can be fostered and promoted by concerted action and pressure from the international community. The presence of reliable and accurate monitoring mechanisms on the ground, in addition to those of the African Union, would provide the international community with the necessary guidance to target its pressure and action.

47. Another encouraging development at Abuja was the readiness of the parties to finally start the discussion of political issues, while technical teams continue working on security matters. This was an important development, given the previous positions of the rebel movements, who were adamant that a ceasefire should be in place before discussion moved to political issues. The AU mediation team drafted a proposal for the declaration of principles based on its understanding of the basic demands put forward by the parties. These include recognition of the ethnic, cultural, religious and social diversity in the Sudan, a commitment to the unity and sovereignty of the Sudan, the need for an equitable distribution of power and national wealth, and the reaffirmation of the principles of equality, citizenship, the rule of law and the protection of human rights.

48. Echoing previous statements by Sudanese leaders, Vice-President Taha informed the Security Council in Nairobi on 18 November that his Government was prepared to use the Naivasha model as a basis for reaching a political settlement in Darfur. He added that this should offer the citizens of Darfur and the other people of the Sudan's governorates the ability to participate and to have additional authority in managing their own affairs. He also stated that his Government envisaged a political settlement in Darfur as including an agreement on the sharing of national resources and wealth in a manner that would provide every governorate, State and region in the Sudan with a proportionate share so that the aspirations of the people could be met. Those are substantive proposals that deserve serious consideration and response by the rebel movements during the next round of negotiations.

XI. The African Union

49. The enhanced African Mission in the Sudan (AMIS) must be commended for its proactive and positive role in Darfur, under increasingly challenging circumstances and with limited resources. In addition to its established monitoring tasks, it has carried out mediating roles to prevent conflicts and reduce tensions in incidents of hostage-taking and looting of cattle. On 2 November, the Commissioner of the Humanitarian Affairs Commission informed camel herders that the African Union would negotiate with SLM/A and JEM in order to collect their stolen

property. Such conflicts, if not diffused, have the potential to lead to an escalation of tribal conflicts. Furthermore, on 22 November, AMIS successfully undertook a rescue mission of about 40 humanitarian workers who were trapped in Tawilla during the recent fighting there. Taking into consideration the current insecurity prevailing in Darfur, AMIS can explore the possibilities of enhancing its monitoring presence in the various areas of tension. It could consider dispatching contingents, however modest in size, to these areas of concern, in order to protect civilians by its presence.

50. AMIS reports that it now has more than 800 troops in Darfur and just over 100 military observers. In the first week of November, with United States assistance, 90 Rwandan troops were deployed to Darfur. Additional military observers began arriving on 6 November from Gabon, the Gambia and Egypt. In the next two weeks, troops are expected to arrive from the Gambia, Nigeria, Senegal and the United Republic of Tanzania.

51. Logistical limitations continue to be a problem in fulfilling the expanded mandate of AMIS. Shortages of communications equipment, ground transport, fixed-wing aircraft, aviation fuel and medical capabilities continue to constrain AMIS activities and must be provided and put in place as a matter of priority. The AU Commission will continue to coordinate donor support to ensure that the Mission's priority needs can be addressed. AMIS is the only monitoring mechanism present on the ground and will continue to play a critical role in establishing a secure environment in Darfur. The international community must provide all support required for it to be able to do so effectively.

XII. The North-South peace process

52. Less than two weeks ago, during the meeting of the Security Council in Nairobi, Council members emphasized the importance of speeding up the North-South peace talks with a view to reaching a comprehensive peace agreement by the end of the year. The extraordinary meeting of the Security Council sent a clear message to the negotiating parties that the international community was ready to fully support the peace process led by the Intergovernmental Authority on Development, but that it was incumbent on the parties to conclude an agreement without further delay. I was encouraged by the commitment of Vice-President Taha and the Chairman of SPLM, John Garang, to reach a comprehensive peace agreement by 31 December 2004. As I said at the Council's meeting in Nairobi, peace between the North and the South would serve as a catalyst for the resolution of the long-standing conflict and would also provide a solid basis for tackling the looming conflicts in other parts of the country.

53. While the parties are nearing completion of their negotiation, some issues remain to be resolved, particularly that of funding for the army of the south during the pre-interim and interim period. On 26 November, the parties resumed talks at the technical level, to find an acceptable compromise on this and other outstanding issues. In order to assist them, the United Nations has dispatched a team of experts to Naivasha, Kenya. It is my belief that acceptable solutions to these issues can be found. However, given the political ramifications, the parties could face difficulty in agreeing on ways to resolve them by themselves. The international community could make an important contribution at this point: a fair, practical and constructive

compromise, backed by an international consensus, could bridge the gap between the parties and help them conclude a peace agreement in time. A follow-up mechanism, with strong international involvement, could offer the parties the needed assurances that such a compromise would be implemented fairly.

XIII. Observations

54. In my last report to the Council, I stated that progress had been made in the North-South talks and welcomed the adoption of a broader mandate for AMIS on 20 October by the AU Peace and Security Council. In November, further progress was made on this front, with positive political developments during the talks in Abuja. The historic Security Council meeting in Nairobi resulted in commitments by the Government and SPLM/A to conclude the North-South talks and reach a final peace agreement by 31 December. In Abuja, the Government and the rebel movements (SLM/A and JEM) overcame their differences and achieved a breakthrough by signing the humanitarian and security protocols. They also were able to start discussions on the declaration of principles, underlying future political objectives and institutions in Darfur. Within its limited logistical capacities, AMIS continued to play a proactive role in Darfur, defusing the tension between the parties.

55. Unfortunately, the optimism generated on the political front was overshadowed by regression in the security situation. In Darfur, chaos is looming as order is collapsing. Ceasefire violations continued a few days after the commitments made by the parties to the Abuja protocols. Both parties should understand that, particularly after the signing of the Abuja protocols, violence and hostile military activities are not an acceptable means to achieve political gains. The rebel movements must realize that their recent aggression cannot be justified on the basis of self-defence or grievances that predate the agreement of 9 November to cease hostile actions. For its part, the Government should note that any military advantage it might reap from the use of aerial bombing is more than outweighed by the negative political consequences of breaking its commitments under the ceasefire agreement. I call on the parties to abide by their commitments, by urgently providing the African Union with information on the exact location of their troops and, by exercising full control over their troops, to put an end to civilian suffering.

56. Following the adoption of Security Council resolution 1574 (2004), in Nairobi, some parties to the conflict interpreted the language of the resolution as being softer than that of previous Council resolutions on the Sudan. However, my Special Representative is making it clear to them that the Council's meeting in Nairobi was primarily focused on the North-South process, and that the paragraphs in the resolution that concern Darfur do not replace earlier Security Council resolutions on Darfur. They only complement earlier resolutions.

57. The Nairobi Council meeting crystallized calls by many international and regional players on SLM/A, JEM and the Government to focus on the Abuja process and proceed with serious political negotiations. There was also a clear international consensus on the linkage between the North-South negotiations and the Abuja process. A comprehensive North-South peace agreement could offer a basis for efforts to integrate the other marginalized regions of the Sudan, create a new

political coalition for peace and foster change in the character of the regime in Khartoum.

58. While the parties to the North-South negotiations must conclude them by the deadline they have set for themselves, I am concerned that some elements on both sides could perceive an interest in undermining the chances of concluding a comprehensive peace agreement. Internal frictions, personal rivalries, bidding for larger gains outside the North-South process, or groups competing for attention, could constitute difficult obstacles. Spoilers cannot be allowed to derail this process.

59. The conclusion of a comprehensive peace agreement would have far-reaching implications for the Sudan, and undoubtedly usher in a new era in the region. It would also raise tremendous challenges for the United Nations Advance Mission in the Sudan and for the international community at large. International interest and support must be sustained. International assistance towards the AU mission must continue. The United Nations has started planning for the implementation phase. On the basis of Security Council resolution 1574 (2004), and once the comprehensive peace agreement is signed, I will report to the Council and submit my recommendations regarding the size, the structure and the mandate of a full mission following the present advance mission. This will also include the timetable for troop deployment.